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DEPT FOR CA/FPP; POSTS FOR FRAUD PREVENTION MANAGERS
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SUBJECT: EL SALVADOR FRAUD SEMI-ANNUAL SUMMARY FY09

REF: 05 STATE 205073

(U) In response to reftel, post is updating its Fraud Summary information for the six-month period from September 2008 to March of FY 2009.

--Country Conditions

a. (U) The presidential election campaign in El Salvador is drawing to a close. The presidential election will be held on March 15 and currently there is no clear front runner. Elections of municipal and national legislative representatives took place in January. The results were mixed with the (left-wing) FMLN gaining seats in the Legislative Assembly and winning a number of mayoral posts, while (conservative) ARENA won back the San Salvador mayor position from the FMLN. It is impossible to predict the outcome of the March 15 vote.

(U) The economic conditions in El Salvador continue to be a source of concern. Between January 2008 and January 2009 the monthly cost of the basic basket for a family of 3.81 members in urban areas increased by 11% from \$155.59 to \$172.7. Between January 2008 and January 2009 the monthly cost of the basic basket for a family of 3.81 members in rural areas increased by 5.7% from \$100.7 to \$106.46. The minimum wage in urban areas does cover the cost of the basic basket but in rural areas it does not cover the cost of the basket. The government raised the minimum wages twice last year.

(U) Post considers the level of fraud to be medium. Fraud appears to be generally case-specific rather than systematic. While many cases may not be well planned or executed, some do have a degree of complexity and documentation that are quite sophisticated.

--NIV Fraud

b. (U) In the last six months, the Fraud Prevention Unit (FPU) received forty-four new NIV-related fraud investigation requests, and processed forty-two of the cases. Two cases are still pending. Sixteen of the processed cases indicated fraud. Average processing time was 10 days. The majority of cases were from people applying for B1/B2 visas, and many involved applicants who failed to disclose a prior arrest, either in the US (generally connected to an immigration violation), or in El Salvador (for a variety of violations).

(U) In the past six months, FPU conducted two more validation studies to compliment the four that we have already completed. In these two studies, FPU selected a random sample of cases of children and of teachers to get a better idea of the visa bearers' travel patterns. The studies confirmed that we are on track with our adjudication methodology but did highlight that issuing in cases of children should be done with extra caution. Our validation study highlighted several cases where the parents presented valid visas and good travel and, once their children were issued visas, moved to the US as a family. FPU worked with the Department to provisionally revoke visas in such cases but this is an area of continued concern.

Additionally, by the end of March, FPU expects to have completed a study of small, informal business owners such as bus owners who run cash based businesses. These cases are typically difficult for NIV officers to adjudicate because invariably the applicants do not have documentation for their income. Also, the types of work characteristic to this category of applicants are not familiar to

American Officers. Finally, a study on B Referrals was undertaken to see how our Referral Program is being implemented and what, if any, steps we should take to improve it.

--IV Fraud

c. (U) During the reporting period, FPU received one-hundred-and-eight new investigation requests. FPU processed eighty-three of these cases; twenty-eight indicated fraud, and fifty-five had no fraud indicated. The remaining twenty-five are pending. Average processing time for IV fraud cases was seventeen days. The majority of cases referred were IR-1/K-1 and required a dual interview with the petitioner and the beneficiary to determine the authenticity of the relationship, or IR-2 step-parent petitions where it was unclear that the biological parent and the petitioner had a genuine relationship (and therefore unclear that the beneficiary maintained a true step-parent/step-child relationship).

(U) FPU also worked with the IV Unit to develop a gang tattoo worksheet that investigators now use each time we have an applicant who is a suspected gang member. The tattoo worksheet follows training provided to the IV Unit and FPU by the Salvadoran Anti-gang task force. Both the training and worksheet have assisted the IV Unit in preparing stronger advisory opinion requests to the Department for possible gang ineligibility findings. However, Post continues to grapple with the issue of how best to detect gang members, especially now that they tend to be moving away from using tattoos as an identifier.

--DV Fraud

d. (U) El Salvador is not a Diversity Visa Lottery Program country.

--ACS and U.S. Passport Fraud

e. (U) FPU received eleven cases and processed ten fraud investigation requests for ACS cases in the last six months. No case indicated fraud. In the majority of the cases, FPU conducted field investigations to confirm the identity and citizenship claim of U.S. passport applicants who were born in the U.S. and came to El Salvador as infants.

--Adoption Fraud

f. (U) FPU has not dealt with many cases of adoption fraud. There are about 250 open adoption cases at Post and we issued only 3 visas in the past six months. The nature of Salvadoran adoption law is complex and the time required for foreigners to adopt Salvadoran children is long. We have not seen any cases of this type of fraud in the past six months.

--Use of DNA Testing

g. (U) DNA testing is used in IV and ACS cases when the biological relationship is in question. This is usually indicated by late registration of a birth certificate, but other factors include the age of the mother at birth, or the lack of presence of the father at the time of conception. Subjects who are requested to have a DNA exam in order to prove a blood relationship in an American Citizens Services or an Immigrant Visa case are not/not referred to fraud.

(U) Three local laboratories handle all DNA requests, and to date we have had no fraud related issues with them.

--Asylum and other DHS benefit fraud

h. (U) DHS's USCIS and Immigration and Customs Enforcement (ICE) have offices in El Salvador. The Consular Section does not process Visa 92/93 cases.

--Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel

i. (U) Because of the historic migration patterns between El Salvador and the US, alien smuggling continues to be of concern to Post. In cases uncovered by FPU, the typical case involves family members smuggling children to parents who are residing illegally in the US. Occasionally, alien smuggling cases reported in the

Salvadoran news media turn out to be actually cases of trafficking in persons.

(U) FPU San Salvador has noticed an increase in the number of cases referred by contacts that involve third country nationals transiting El Salvador with fake documents. Of particular interest is the number of nationals from China (PRC). The detected Chinese have presented documents from different countries in Asia and are traveling either to Canada or the US. While the number of cases of trafficking has been most significant for Chinese nationals, we have also seen cases from places as varied as Somalia, Nigeria and Peru. It is worth noting that Salvadoran Migration officials are extremely helpful in sharing information about fraud cases with the Embassy.

(U) Post continues to find documented gang members ineligible under 3(A)2 with the Department's concurrence. The IV Unit and FPU documented and refused ten applicants during the last six months. There are two Advisory Opinion requests for gang member ineligibilities currently pending with the Department and one was denied.

--DS Criminal Fraud Investigations

j. (U) FPU works closely with Post's RSO. The designated ARSO/I is expected to arrive at Post in mid FY2009, and will have an office in FPU.

(U) A representative example of our cooperation is the possible passport fraud case described in section (e).

(U) FPU also works with other agencies as appropriate. For DHS/ICE, we had a high-profile NIV applicant who was applying for a visa after having lived in the US for over 14 years under somewhat dubious status. Working with our colleagues at DHS we were able to determine that the applicant had in fact been out of status for over a year and we found him ineligible for a visa.

--Host Country Passport, Identity Documents, and Civil Registry

k. (U) El Salvador began issuing the new D-series passport in 2007. It includes a number of significant design changes and security upgrades to interior pages. A sample was sent to CA/FPP.

(U) The national identity card (the DUI) is required by law to be issued to all citizens over 18, and is also required to be updated when significant life events occur that will effect information on the card (marriage, change of job, moving to a new address). By law, all address changes to an individual's DUI were stopped on March 1, 2008 in preparation for the 2009 elections.

--Cooperation with Host Government Authorities

l. (U) FPU continues to work closely with officials of the Government of El Salvador. FPU regularly answers requests for information on whether Salvadorans hold U.S. visas, and will prudentially revoke the visa of anyone charged with a crime in El Salvador if the person is considered a flight risk.

--Areas of Particular Concern

m. (SBU) Post remains concerned about marriage-related fraud in IV, and will continue to look closely at cases with fraud indicators.

(SBU) The prevalence of gang violence and strong associations of these gang members with the US continued. FPU San Salvador is especially concerned about detection of IV applicants who may be gang members, as tattoos are the best method for detecting them. Gang members are more aware of how risky this behavior is and are starting to eschew tattoos or put them in places where they cannot be detected.

(SBU) El Salvador continues to be a transit point for drug trafficking to the US. In the past week, the Salvadoran Police intercepted over 1200 kilograms of cocaine in a raid off the coast of El Salvador. The frequency and size of these seizures show the magnitude of the problem. Salvadoran authorities are still searching for fugitive drug kingpin Reynerio de Jesus Flores Lazo,

leader of the infamous Salvadoran drug and human smuggling cartel, "Los Perrones". In the last six months, FPU has revoked four visas of criminals tied to Los Perrones.

(SBU) Due to El Salvador's proximity to the US, the number of fake documents and individuals being smuggled to the US continues to be a problem. Over the past six months the increase in the number of Chinese nationals transiting through El Salvador is especially worrying.

--Staffing and Training

n. (U) Post's FPU is staffed with two FPU Assistants, an FSN Fraud Supervisor, and a Fraud Prevention Manager.

(U) FPU eagerly awaits the staffing of Post's ARSO/I position. The position has been funded and posted, and we hope to have it filled by mid-2009.

(U) During the period, FPU provided training on detection of fraudulent visas and US passports to 20 airline employees from TACA and local migration authorities at the Comalapa International Airport.

(U) FPU has created an -NIV Fraud Essentials-, file on the public hard drive featuring the -Fraud Basics for El Salvador-. FPU completed six short validation studies during the period, and the findings of these studies are one of the key ingredients of the archive. Additionally, a tattoo training document was created for new officers to get a better understanding of things to look for when reviewing medical exams.

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